

- j. The location and source of resources used to finance the illegal activities described herein.

In addition, these wire communications are expected to constitute admissible evidence of the commission of the above-described offenses. It is further expected that interception of wire communications, if authorized, will provide valuable evidence against the perpetrators of the above described offenses that cannot reasonably be obtained by other means.

9. The nature of this investigation is such that there is probable cause to believe that additional communications of the same type will continue to occur after the described type of communications have been first obtained.

PERSONS EXPECTED TO BE INTERCEPTED⁴

10. **Dana JARVIS a/k/a Todd Ward**: (DOB: 1/25/1950, SSN: 527-74-9473).

JARVIS also uses Social Security Numbers 742-84-8918 and 527-94-9473. As detailed below, JARVIS is the leader of the JARVIS drug trafficking organization ("DTO"). JARVIS is the owner of 13 Enebro in Santa Fe, New Mexico, and 1440 Cielo Vista in Bernalillo, New Mexico. JARVIS was charged by the Tucson Police Department on May 7, 1979 for possession of marijuana, fleeing from police and driving while intoxicated. The disposition of these charges is unknown. On February 24, 1984, JARVIS was arrested for distributing a controlled substance by

⁴Jude Austin, Kara Gold, Geno Berthod, Jacklyn Cook, Billy Joe Cook, Angela Cummings, Greg Hill, Matthew Hothan, Lloyd Montoya, Dan Chomyn, and John WHALEN, named in this Affidavit as SUBJECTS, are believed to be participants in the underlying criminal activity. However, there is as of this date no evidence that they have participated in telephone calls to or from the TARGET TELEPHONE. Therefore, while they are identified as SUBJECTS, they are not included in the list of persons expected to be intercepted pursuant to the Order sought. If conversations involving one or more of these SUBJECTS are in fact intercepted, the Court will be advised in the interim progress reports submitted to the Court by the Assistant United States Attorney.

the Albuquerque FBI office. The case was subsequently transferred to the state of New Mexico for prosecution. The disposition of this charge is unknown.

11. **Ayla JARVIS**: (DOB: 7/23/1986, SSN: 649-01-9356). As detailed below, Ayla JARVIS (the daughter of Dana JARVIS) is a high ranking member within the JARVIS DTO and helps run the DTO with her father. Investigation has revealed that Ayla JARVIS lives with her father on occasion at 13 Enebro in Santa Fe, New Mexico and at 1440 Cielo Vista in Bernalillo, New Mexico. A query of the Federal Aviation Administration database revealed that Ayla JARVIS has a listed address of 12711 East Cabeza de Vaca in Tucson, Arizona on her pilot's license. Ayla JARVIS was arrested for possession of a controlled substance and drug paraphernalia in September 2003. JARVIS volunteered for drug rehabilitation and the charges were dismissed.

12. **Eileen FITZGERALD**: (DOB: 5/16/1955, SSN: 526-17-8526). As detailed below, Eileen FITZGERALD distributes drugs for the organization and is also attempting to establish her own independent drug distribution network. FITZGERALD is the owner of, and resides at, 3 Dovel in Santa Fe, New Mexico. She is the ex-wife of Dana JARVIS and the mother of two children fathered by JARVIS, Dylan and Ayla JARVIS.

13. **Cathy FITZGERALD**: (DOB: 2/1/1962, SSN: 526-61-8283). As detailed below, Cathy FITZGERALD performs various tasks for the JARVIS DTO, including storing marijuana at her residence. Her residence is located at 28 Quail Run in Santa Fe, New Mexico. FITZGERALD was arrested for "drug abuse" on August 3, 1989, in the state of Ohio, and released on a \$500 cash bond. The disposition of this charge is unknown.

14. **Donald TRUJILLO**: (DOB: 9/28/1969, SSN: 525-51-4942). TRUJILLO'S cellular telephone subscriber information lists his residence as 2710 Vereda Rodiando, Santa Fe, New Mexico.⁵ Surveillance has revealed that TRUJILLO resides at 1917 Camino Lumbre in Santa Fe, New Mexico. TRUJILLO has worked for the JARVIS DTO as a pilot and as a drug and money courier.

15. **David REID**: (DOB: 3/23/55, SSN: 552-88-5435). REID is a certified pilot. As detailed below, REID is the primary pilot for Dana JARVIS' aircraft (N3AJ), which is used to fly JARVIS and other members of the organization around the United States to conduct meetings with other drug associates and/or to transport bulk cash. A query of the Federal Aviation Administration database revealed that Dave REID has a listed address of 214 East 2nd Street, Newberg, Oregon, on his pilot's license. REID is also the owner of a residence located at 9227 West Weaver Circle in Casa Grande, Arizona.⁶

16. **Dakota FITZNER**: (DOB: 6/1/1973, SSN: 525-59-3638). FITZNER resides at 639 Kinley NW in Albuquerque, New Mexico. As detailed below, FITZNER transports bulk marijuana and cash on behalf of the JARVIS DTO.

17. **Barbara HANNA**: (DOB: 8/17/1967, SSN: 571-13-0641). Subscriber information for HANNA'S cellular telephone lists her mailing address as Post Office Box 22882 in Santa Fe, New Mexico. Agents are unaware of HANNA'S physical address. As detailed below, HANNA assists in the counting of bulk cash received by the JARVIS DTO as payment for marijuana.

⁵2710 Vereda Rodiando is the home of Donald TRUJILLO's parents.

⁶Subscriber information for REID'S cellular telephone lists his address as 9227 West Weaver Circle, Casa Grande, Arizona.

18. **Melania KIRWIN a/k/a Mila**: (DOB: 5/8/1983, SSN: 585-47-6173).

Subscriber information for KIRWIN'S cellular telephone lists her residence as 4891 N Via Serenidad in Tucson, Arizona.⁷ KIRWIN is also the lessee for an apartment at 9677 Eagle Ranch, N.W., Apt. 2113, Albuquerque, New Mexico. As detailed below, KIRWIN is Dana JARVIS' paramour and assists JARVIS in the operation of the JARVIS DTO.

19. **Joseph MARTIN**: (DOB: 12/29/1946, SSN: 137-36-1165). MARTIN'S

Arizona driver's license lists his address as 15025 Wells Fargo Road in Tucson, Arizona. However, as detailed below, information provided by CS-1 and law enforcement surveillance indicates that MARTIN resides at 9155 South Woodwalker Lane, Tucson, Arizona. MARTIN is believed to store bulk marijuana on behalf of the JARVIS DTO. MARTIN was arrested for possession of a controlled substance (cocaine) on 07-30-1999 in Albuquerque, New Mexico. After being released from custody, MARTIN failed to appear for arraignment and an arrest warrant was issued. He was subsequently arrested on 05-28-2002, at the Dallas/Fort Worth International Airport, after arriving with Dana JARVIS on a flight from Costa Rica.⁸ MARTIN was extradited to New Mexico. He pled guilty to possession of a controlled substance (cocaine) on 02-17-2003, and was sentenced to time-served with 1.5 months probation (conditional discharge).

20. **Rafal MISTRZAK**: (DOB: 6/9/1973, SSN: 288-82-1826). As detailed below,

MISTRZAK is involved in the transportation of bulk currency for the JARVIS DTO.

⁷A query of Qwest communications, and utility records for 4891 N Via Serenidad revealed the occupant to be Eleanor S. SOLIDAY.

⁸Per U.S. Customs Port of Entry records, on May 24, 2002, Dakota FITZNER and John NIETO, along with five other companions, arrived at Dallas/Fort Worth International Airport on American Airlines Flight 2166 from Costa Rica.

21. **John NIETO**: (DOB: 12/10/1947, SSN: 585-60-8764). As detailed below, NIETO is an “enforcer” for the JARVIS DTO, collecting debts owed to the organization.

22. **Salvador ABEYTA**: (DOB: 10/9/1972, SSN: 585-96-9306). ABEYTA is a former manager of Dana JARVIS’ business, Club Rhythm and Blues. As noted in paragraph 41 below, CS-2 stated that everyone employed at Club Rhythm and Blues was working for JARVIS in the drug trade one way or another. In approximately December, 2002, a DEA agent acting in an undercover capacity engaged in a conversation with ABEYTA at Club Rhythm and Blues. During that conversation, ABEYTA stated that he was leaving Club Rhythm and Blues to pursue a pilots license at a flight school in Phoenix, AZ.

PRIOR APPLICATIONS

23. Based upon a check of the electronic surveillance indices of the DEA, FBI, and the Bureau of Immigration and Customs Enforcement conducted on March 2, 2005, no prior federal applications for an order authorizing or approving the interception of wire, oral, or electronic communications have been made with respect to any of the persons, premises, or facilities named herein.

CONFIDENTIAL SOURCES

24. The Confidential Sources discussed below have assisted in this investigation and provided information set forth in this Affidavit.

a. **Confidential Source-1 (“CS-1”)**. CS-1 initiated contact with law enforcement regarding the JARVIS DTO and provided information in exchange for payment. CS-1 was not a member of the JARVIS DTO, but learned of the information detailed below through legitimate business dealings with members of the JARVIS DTO. CS-1 was charged in 1986 with